

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LANCE SWEARINGEN )  
 )  
 Plaintiff, )  
 )  
 v. ) 1:22-cv-1040  
 )  
 KILOLO KIJAKAZI, Acting )  
 Commissioner of Social Security, )  
 )  
 Defendant. )

## **ORDER**

On December 6, 2023, the United States Magistrate Judge's Recommendation ("Recommendation") was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 9, 10.) No objections were filed within the time limits prescribed by Section 636.

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Recommendation, (Doc. 9), is **ADOPTED**. **IT IS FURTHER ORDERED** that the Commissioner's decision finding no disability is **REVERSED**, and this matter is **REMANDED** to the Commissioner under sentence four of 42 U.S.C. § 405(g). The commissioner is directed to remand this matter to the ALJ for proceedings consistent with the Magistrate Judge's Recommendation. To the extent that

Plaintiff seeks an immediate award of benefits, that request is  
**DENIED.**

A Judgment remanding this action will be filed  
contemporaneously herewith.

This the 29th day of January, 2024.

William L. Osten, Jr.  
United States District Judge